



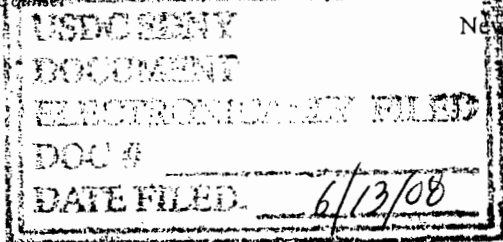
# MEMO ENDORSED

## THE CITY OF NEW YORK LAW DEPARTMENT

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April 25, 2008

Via Facsimile (212) 805-6191  
Honorable Barbara S. Jones  
United States District Judge  
Southern District of New York  
500 Pearl Street, Room 620  
New York, NY 10007

Re: Simmons v. Jemmott et al.  
08 CV 2198 (BSJ)(KNF)

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York. This office was served with a courtesy copy of the *pro-se* plaintiff's complaint on or about April 1, 2008, which was purportedly filed pursuant to § 42 U.S.C. against defendants Captain Jemmott, Correction Officer Cooper, Correction Officer Castro and Correction Officer Greene for alleged excessive force.

Upon a review of the docket sheet it appears that service was attempted on Messrs. Jemmott and Cooper on April 3, 2008, but the summonses were returned unexecuted. To date, no one has been served in this action. We have contacted DOC to obtain further identification of the DOC personnel plaintiff attempts to sue in this action and identify shield numbers and commands for service of process.

Accordingly, it is respectfully submitted that this office will take no further action, unless directed otherwise by Your Honor.

We thank the Court for its consideration of this matter.

6/13/08

The docket sheet maintained by the Clerk of Court for this action shows that defendants Correction Officer Cooper and Correction Captain Jemmott were served with process. Accordingly, they must respond to the plaintiff's complaint in accordance with the applicable provisions of the Federal Rules of Civil Procedure.

SO ORDERED:

Kevin Nathaniel Fox

KEVIN NATHANIEL FOX, U.S.M.J.

Respectfully submitted,

Joyce Campbell Priveterre (JCP 1846)  
Assistant Corporation Counsel

MICROFILMED

JUN 16 2008 -9 00 AM

Cc:

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241-07-1193  
Riker Island Correctional Facility  
09-09 Hazen Street  
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PRO SE